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|--|-------------|----------------------|---------------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO. |
| 10/021,034   | 12/19/2001  | Sharon A. Krueger    | A0653Q-US-NP                    | 9510             |
| 37211 7590 01/24/2007<br>BASCH & NICKERSON LLP<br>1777 PENFIELD ROAD<br>PENFIELD, NY 14526 |             |                      | EXAMINER<br>BURLESON, MICHAEL L |                  |
|  |             |                      | ART UNIT<br>2625                | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             |                      | MAIL DATE                       | DELIVERY MODE    |
| 3 MONTHS   |             |                      | 01/24/2007                      | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/021,034

Applicant(s)

KRUEGER ET AL.

Examiner

Michael Burleson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 7-16, filed 11/29/2006, have been fully considered and are persuasive. The finality of claims 1-17 has been withdrawn.
2. Applicant's arguments filed 11/29/2006, with respect to claims 1,7 and 9 have been fully considered but they are not persuasive.
3. With respect to claims 1,7 and 9, Applicant states that Lapstun et al. is void of teaching rendering color processing options and/or colorspace transformation profiles on a page-by-page basis (page 9 or Applicant's remarks). Examiner disagrees with Applicant. Lapstun et al. teaches at page 3, paragraph 0089, that the host processor renders each page to the level of contone pixels and black dots, which qualifies as rendering of color processing options on a page-by-page basis. This is further explained on page 5, paragraph 0010. Examiner made reference to page 37, paragraph 0620, to merely point out to Applicant that when each page is printed, a different color profile can be activated as well as rendered, which is a limitation of claim 1,7 and 9. The rejection of claims 1,7 and 9 are maintained.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,5,7-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lapstun et al. US 2004/0046971.
3. Regarding claim 1, Lapstun et al. teaches a method for applying individualized rendering parameters on a single page basis to enable rendering of image data associated with a job having a plurality of pages (page 3, paragraph 0089), comprising:
  4. (a) providing a plurality of color space transformation profiles (page 35, paragraph 05814 and page 37, paragraph 0619 and 0620);
  5. (b) assigning a first set of color processing options to a first group of pages in the job (page 21, paragraph 0352, page 35, paragraph 05814 and page 37, paragraph 0620);
  6. (c) assigning a second set of color processing options to a second group of pages in the job, the second set of color processing options identifying a color space transformation profile (page 21, paragraph 0352, page 35, paragraph 05814 and page 37, paragraph 0620);
  7. (d) receiving a page of image data to be rendered (page 3, paragraph 0089);
  8. (e) determining if the page of image data to be rendered is associated with the first group of pages in the job or associated with the second group of pages in the job (page 21, paragraph 0357 and 0358);

9. (f) selecting a color space transformation profile for the received page of image data when it has been determined that the page of image data to be rendered is associated with the first group of pages in the job (page 21, paragraph 0352, page 35, paragraph 0581 and page 37, paragraph 0620);
10. (g) selecting the color space transformation profile in the second set of color processing options when it has been determined that the page of image data to be rendered is associated with the second group of pages in the job (page 21, paragraph 0352 and 0357, page 35, paragraph 0581 and page 37, paragraph 0620); and
11. (h) applying the selected color space transformation profile to render the page of image data (page 21 paragraph 0352-0358 and page 37, paragraph 0620).
12. Regarding claim 2, Lapstun et al. teaches step (i) rendering image data on a xerographic printing device using the selected color space transformation profile (page 3, paragraph 0084).
13. Regarding claim 5, Lapstun et al. teaches the second set of color processing options further identifies at least one color space adjustment attribute (page 37, paragraph 0620).
14. Regarding claim 7, Claim 7 arguments are analogous to those presented for claim 1 therefore the arguments presented for claim 1 are applicable.
15. Regarding claim 8, Claim 8 arguments are analogous to those presented for claim 2 therefore the arguments presented for claim 2 are applicable.
16. Regarding claim 9, Claim 9 arguments are analogous to those presented for claim 1 therefore the arguments presented for claim 1 are applicable.

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17. Regarding claim 10, Claim 10 arguments are analogous to those presented for claim 3 therefore the arguments presented for claim 3 are applicable.

18. Regarding claim 11, Claim 11 arguments are analogous to those presented for claim 4 therefore the arguments presented for claim 4 are applicable.

19. Regarding claim 14, Claim 14 arguments are analogous to those presented for claim 5 therefore the arguments presented for claim 5 are applicable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapstun et al. US 2004/0046971 in view of Balonon-Rosen et al. (hereinafter referred to as Balonon-Rosen) (U.S. Patent 6,307,961)

21. With respect to claim 6, Lapstun et al. teaches all of the limitations of claims 1 and 5, Lapstun et al. does not disclose that the color space adjustment attribute includes at least one color attribute selected from lightness, contrast, color cast, and saturation.

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22. Balonon-Rosen discloses that the color space adjustment attribute may include at least one color attribute selected from lightness, contrast, color cast, and saturation (column 2 lines 13-41).

23. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lapstun et al. as modified wherein the second set of color processing options further identifies one color space adjustment attribute and the color space adjustment attribute includes at least one color attribute selected from lightness, contrast, color cast, and saturation. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Lapstun et al. as modified by the teaching of Balonon-Rosen so that Lapstun et al.'s invention would maintain color appearance between devices (given the express suggestion of Balonon-Rosen column 1 lines 61-63).

24. Regarding claim 15, Claim 15 arguments are analogous to those presented for claim 6 therefore the arguments presented for claim 6 are applicable.

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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26. Claims 12,13,16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Lapstun et al. (hereinafter referred to as Lapstun) (U.S. Patent Application Publication 2004/0046971) in view Billow 2005/0141008

27. Lapstun et al. teaches all of the limitations of claims 9 and 10. Lapstun et al. does not provide the color space transformation profile identified in the second set of color processing options identifies a destination profile.

28. With respect to claim 12, Billow discloses the color space transformation profile identified in the second set of color processing options identifies a destination profile (paragraph 0036 lines 12-13).

29. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lapstun et al. wherein Lapstun et al.'s method is applied to individualized rendering parameters on a single page basis to enable rendering of image data associated with a job having a plurality of pages. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Lapstun et al. by the teaching of Billow in order to determine where the rendered page will be outputted.

30. With respect to claim 13, Billow as modified discloses the step of applying the retrieved color space transformation profile to render the second page of image overrides a destination transformation profile within the second page of image data (paragraph 0036 lines 12-20).



31. With respect to claim 16, Billow as modified discloses the color space transformation profile identified in the second set of color processing options identifies a source profile (paragraph 0036 lines 12-15).

32. With respect to claim 17, Billow as modified discloses the step of applying the retrieved color space transformation profile to render the second page of image overrides a source transformation profile within the second page of image data (paragraph 0036 lines 12-20).

#### ***Allowable Subject Matter***

33. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on 571-272-7406.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Burleson

Patent Examiner



January 22, 2007

**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**